

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

RICKY CRAIG BROOKS,

Plaintiff,

V.

CIVIL ACTION NO. 3:06-0245

CITY NATIONAL BANK, et al.,

Defendants.

**FINDINGS AND RECOMMENDATION**

This case is pending before the Court on motions of defendants to dismiss, followed by a motion by plaintiff to dismiss. The defendants filed motions to dismiss asserting, inter alia, insufficient service of process. Thereafter, plaintiff moved the Court to dismiss the complaint, stating that “he failed to satisfy the requirements of Fed.R.Civ.P. and W.Va.R.Civ.P.” The Court perceives no basis for denying plaintiff’s motion.

**RECOMMENDATION**

In accordance with the foregoing, it is **RESPECTFULLY RECOMMENDED** that plaintiff’s motion be granted and that this action be dismissed.

Plaintiff and defendants are hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Robert C. Chambers, United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., the parties may,

within thirteen days from the date of filing of these Findings and Recommendation, serve and file written objections with the Clerk of this Court identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The Judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. § 636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and mail a copy of the same to plaintiff and counsel of record.

ENTER: July 31, 2009



MAURICE G. TAYLOR, JR.  
UNITED STATES MAGISTRATE JUDGE